(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CIVIL APPLICATION NO.98 OF 2004
IN SECOND APPEAL NO. 45 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. G. Dessai, Senior Advocate with Shri S. D. Padiyar, advocate for the appellant.

Shri Sudin Usgaokar, advocate for the respondent.

CORAM : D. G. KARNIK, J.

DATE : 5th May, 2004

P.C.:

Heard learned counsel for the parties. In paragraph 35 of the judgment of the First Appellate Court it is observed : "However in the present matter it is clear that the defendant admitted possession of the plaintiff over an area of 2000 square metres approximately." . In view of this there shall be interim relief in terms of prayer clause (a) as reproduced below, to the extent of 2000 sq. mts. of land as prayed for in prayer clause (a) of the application:-

> (a) Pending the hearing and final disposal of the appeal, this Hon'ble Court be pleased to restrain respondents, its committee members, mahajans, servants, agents or any other persons acting on behalf of respondent directly or indirectly, from in any manner whatsoever interfering in the suit property identified in Exhibit 'E' above,except however the area occupied by Hall ceded in Regular Civil Suit No.37/78 on the file of the Civil Judge, Senior Division, Quepem."

2. The learned counsel for the respondent/defendant however states that a road has already been made over a part of the land over which the palki passes. The learned counsel for the applicant has no objection for passing of the said palki over the said road. Ordered accordingly.

Civil Application disposed of.

D. G. KARNIK, J.